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Attorneys for Defendants
INSTAGRAM, LLC AND
META PLATFORMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BANGERBUDDY, LLC, a New Jersey limited
liability company,

Plaintiff,

v.

INSTAGRAM, LLC, a Delaware limited
liability company; META PLATFORMS, INC.,
a Delaware corporation; and DOES 1-20,

Defendants.

Case No. 3:22-cv-02078

NOTICE OF REMOVAL

1 TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
 2 CALIFORNIA, PLAINTIFF BANGERBUDDY, LLC, AND PLAINTIFF’S ATTORNEYS OF
 3 RECORD:

4 PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446,
 5 defendants Instagram, LLC (“Instagram”) and Meta Platforms, Inc. (individually “Meta”, and
 6 collectively “Defendants”) hereby remove this case from the Superior Court of San Mateo County,
 7 California to the United States District Court for the Northern District of California. Removal is
 8 proper for the reasons stated below.

9 **I. BACKGROUND**

10 1. On March 3, 2022, plaintiff Bangerbuddy, LLC filed a Complaint in the Superior
 11 Court of San Mateo County against Defendants. A copy of the Complaint—captioned
 12 *Bangerbuddy, LLC v. Instagram, LLC et al.*, Case No. 22-CIV-00931—is attached hereto, along
 13 with all other documents filed in the state court proceeding. *See* Ex. A.

14 2. The Complaint alleges three causes of action for: (1) Intentional Interference with
 15 Prospective Economic Advantage; (2) Intentional Interference with Contractual Relations; and (3)
 16 Unfair Business Practices (violation of Business and Professions Code Section 17200 *et seq.*).
 17 Compl. ¶¶ 29-53.

18 3. Plaintiff contends that it operates several Instagram accounts under the names of
 19 “@bangerbuddy”, “@bangerbuddyevents”, and “@nickfilchy” (collectively, “Accounts”) and
 20 entered into contracts with third-party companies (collectively “Third Parties”) to promote the
 21 Third Parties’ products on the Accounts. Compl. ¶¶ 9-11.

22 4. Plaintiff contends that Defendants have suspended or deactivated the Accounts
 23 several times, which has disrupted or precluded Plaintiff’s ability to fulfill its contractual
 24 obligations and to advertise and promote its own business. Compl. ¶¶ 15-16.

25 5. Plaintiff seeks \$250,000 in compensatory damages; injunctive relief to preclude
 26 Defendants from suspending or deactivating the Accounts; as well as other damages, costs, and
 27 fees. Compl. ¶¶ 1-8, p. 9.

1 **II. TIMELINESS OF REMOVAL**

2 6. Defendants were personally served the Complaint and Summons on March 9, 2022.
 3 *See* Ex. A at p. 16-19. Therefore, this Notice of Removal is timely, as it is being filed within 30
 4 days of service of the Complaint on Defendants. No other pleadings have been served.

5 **III. JURISDICTION AND GROUNDS FOR REMOVAL**

6 7. This case is properly removed to this Court because there is diversity jurisdiction
 7 under 28 U.S.C. § 1332. For purposes of diversity, a corporation is a citizen of “any State by
 8 which it has been incorporated and of the State where it has its principal place of business.” 28
 9 U.S.C. § 1332(c)(1). A limited liability company is a citizen of all states where its owners are
 10 citizens. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir.2006). Plaintiff
 11 is a limited liability company organized under the laws of New Jersey with its principal place of
 12 business in Miami, Florida. Compl. ¶ 4. Upon information and belief, Plaintiff’s sole owner is
 13 Nick Filchukov, who resides in New Jersey. Plaintiff is therefore a citizen of New Jersey. Meta
 14 is a Delaware corporation with its principal place of business in Menlo Park, California, and is
 15 therefore a citizen of Delaware and California. Compl. ¶ 5. Instagram is a limited liability
 16 company organized under the laws of Delaware with its principal place of business in Menlo Park,
 17 California. Compl. ¶ 6. Instagram is wholly owned by Meta, and is therefore likewise a citizen of
 18 Delaware and California. Thus, complete diversity exists here, since no plaintiff is a citizen of the
 19 same state as any defendant. *See Lincoln Prop. Co. v. Roche*, 546 U.S. 81 (2005); *see also* 28
 20 U.S.C. §1332.

21 8. The damages sought in this action are well in excess of \$75,000, as Plaintiff seeks
 22 at least \$250,000 in compensatory damages, as well as other punitive and exemplary damages.
 23 Compl. ¶¶ 1, 4, p. 9.

24 9. Defendants reserve the right to amend or supplement this Notice of Removal or to
 25 present additional argument in support of its entitlement for removal.

26 10. Defendants intend no admission of fact or liability by this Notice of Removal and
 27 do not waive any defenses, objections, or motions available under state or federal law. Further,
 28 Defendants expressly reserve the right to move for dismissal of some or all of Plaintiff’s claims

1 and/or seek dismissal on grounds of lack of personal jurisdiction, improper venue, and forum non
2 conveniens.

3 **IV. VENUE**

4 11. This action was originally brought in the Superior Court of San Mateo County, and
5 venue thus lies in the Northern District of California, pursuant to 28 U.S.C. §§ 1441, 1446(a), and
6 84(a).

7 **V. NOTICE OF REMOVAL**

8 12. Defendants will promptly provide written notice of the filing of this Notice of
9 Removal to Plaintiff and will file a copy of the Notice of Removal with the Clerk of the Superior
10 Court of San Mateo County, pursuant to 28 U.S.C. § 1446(d).

11 WHEREFORE, Notice is hereby given that this action is removed from the Superior Court
12 of San Mateo County, California to the United States District Court for the Northern District of
13 California.

14 Date: March 31, 2022

ORRICK, HERRINGTON & SUTCLIFFE LLP

15 /s/ Jacob M. Heath
16 Jacob M. Heath

17 Attorney for Defendants
18 Instagram, LLC and Meta Platforms, Inc.
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